IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO.1341 OF 2006

WITH

APPEAL FROM ORDER NO.464 OF 2005

IN

L.C.SUIT NO.1190 OF 2005

Santosh Arora ...Applicant

Versus

The Municipal Corpon. of

Gr.Mumbai & Anr. ...Respondents

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Mr.G.A.Lobo for Applicant.

Mrs.Joglekar for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 20, 2006.

P.C.

1. Not on Board. Upon mentioning, taken on Board.

2. I see no propriety in extending any

further indulgence to the Applicant in the fact situation of the present case. The order came to be passed by this Court on 15th April 2005 requiring the Applicant to apply to the competent Authority of Respondent No.1 for regularisation. Indeed, the Applicant made application within the specified time, but before the wrong authority. This position was brought to the notice of the Applicant by the Corporation under letter dated 14th July 2005 calling upon the Applicant to submit proposal through licensed Architect to Executive Engineer (Building Proposal), Western Suburbs, having office at Bhabha Hospital Building, R.K.Patkar Marg, Bandra (West), Mumbai 400 050. In response to this communication, the Applicant made application through Advocate Mr.G.A.Lobo on 4th August 2005. It is incomprehensible to accept the explanation now offered that the Applicant was mislead to make application to the wrong Authority due to the communication received dated 14th July 2005. This is so, because the proposal was submitted through Advocate addressed to the Assistant Engineer, (Building & Factory), K.E. Ward, having office at Mumbai Municipal Corporation

of Greater Mumbai, Andheri (East), Mumbai, which is different authority than the one referred to in the communication sent to the Applicant.

3. It is obvious that the Applicant is applying to wrong authority only to gain time. No case for indulgence is made out. Rejected.

A.M.KHANWILKAR, J.